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10/508,974	09/24/2004	Uwe Foll	449122076100	1165
25227 7590 03/21/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER PATEL, NIMESH	
			ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/508,974

Applicant(s)

FOLL, UWE

Examiner

Nimesh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Sep. 24, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## ***DETAILED OFFICE ACTION***

### ***Claims rejection – 35 U.S.C. 103(a)***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 6, 8, 12, 14, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns, US Patent: 5,557,664 Sep. 17, 1996 and in view of Hamilton, US PGPub: US 2002/0177431 A1 Nov. 28, 2002.

**Regarding claim 1**, which claims, "routing a set-up message relating to the first communications link by the first communications terminal via the Internet to a network node of the mobile radio network", Burns discloses, calls placed by a calling party from a telephone station set 10 are completed to a wireless telephone 12 through a network which includes an originating inter exchange carrier – IXC switch 16, a terminating IXC switch 18, a signaling network 28, and a mobile switching center 22. Signaling network 20 interconnects the various components of the network (column 2, lines 29 – 41). The method how to process the call is described in detail that is routed to network node of the mobile radio network (Fig. 1, column 3, lines 1 – 5, and 37 – 59).

Further claimed feature, "determining a call charge computer, wherein charge payment data relating to the first communication terminal are stored", Burns discloses, service processor 28 includes a database 36, service logic 38 for processing calls and announcement facilities 39 for causing announcements to be played. Database 36 stores records as shown in Fig. 3 which include information about services provisioned for the customer, like if the customer is subscribed to a service feature "calling party pays airtime – CPPA feature. The service logic 38 represents the conventional processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 (column 3, lines 16 – 36).

Further claimed feature, "transmitting a charge request relating to the communication link is transmitted by the network node to the call charge computer", Burns discloses, service processor 28 processes information to determine whether to bill the calling party or the called party for charges associated with the called party's use of wireless communication facilities – e.g. mobile switching center 22 (Figs. 2 and 3, column 2, lines 36 – 42, column 3, line 60 through column 4, line 8).

Further claimed feature, "performing a check by the call charge computer, as to whether the charges relating to the communications link at the mobile radio end are being borne at the communication terminal end", Burns discloses, service

processor 28 uses the dialed telephone number to retrieve a record (Fig. 3) which specifies the telephone number to which the call is to be routed, and the services and features to which the called party has subscribed.

The calling party pays airtime feature is offered to subscribers as one possible feature associated with a special service or non-geographic telephone number (column 3, lines 60 – 66).

Further claimed feature, “sending a response message including a result of the check, is sent to the network node by the call charge computer”, Burns discloses, service processor 28 includes a database 36, service logic 38 for processing calls and announcement facilities 39 for causing announcements to be played. Database 36 stores records as shown in Fig. 3 which include information about services provisioned for the customer, like if the customer is subscribed to a service feature “calling party pays airtime – CPPA feature. The service logic 38 represents the conventional processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 (column 3, lines 16 – 36).

Here, once the check is performed for calling party is paying for the airtime charges also, originating IXC switch 16 provides data to a billing system 30 for billing the calling party for charges associated with the called party’s use of mobile switching center 22. Billing system 30 is a conventional billing system which generates standard billing records (Fig. 1, column 2, lines 42 – 56).

Further claimed feature, "if there is a positive result for the check, in the mobile radio network, the communication link to the target communication terminal is established", Burns discloses, if the caller accepts the charges for airtime, service processor 28 instructs switch 16 to record billing information to be used by billing system 30 to bill the caller at telephone station 10 for the airtime charges that otherwise would have been assessed to the wireless customer at telephone station 12. Service processor 28 signals switch 16 to which number the call needs to be completed – MIN of the mobile, and also signals mobile switching center 22 to inhibit switching center 22 from billing airtime for the call (Fig. 1, and column 4, lines 14 – 48).

Further claimed feature, "if there is a negative result for the check in the mobile radio network, the establishment of the communications link is aborted", Burns discloses, if the caller refuses to accept the charges for airtime, the switch 16 tears down the call in a conventional manner (column 4, lines 14 - 17),

but, is silent on, "routing a set-up message to network node, network node transmitting a charge request, the call charge computer sending a response to the network node, network node establishes a link, and network node aborts the establishment of the link".

Examiner notes that Bruns discloses, determination of airtime charges are to be paid by the caller, before routing the call to the mobile switching center, and billing the caller according, instruction the mobile switching center for call charges that are paid from the calling party. Here, the service processor 28 and billing system 30 are at PSTN side of Fig. 1, the PSTN can also have "An internet" also.

The same functionality for determining calling party paid wireless service is already available in the wireless side of Fig. 1 (though it is not explained in detail). Say, mobile 12 is calling to mobile 14, in this case, all the determining for call charges including airtime for mobile 14, can be performed in mobile switching center 22 OR mobile switching center 34, having call charge computer at the mobile switching center 22, and mobile switching center 34 sending/receiving charge information, OR having call computer available at mobile switching center 34, sending /receiving charge information within mobile switching center 34. Once the determination of call charge is made, the mobile switching center 34 and/or 22 (depending where the set-up message is routed), can establish the link for mobile 14, and abort establishing the link in case of negative check results.

Hamilton teaches, the network receives request 102 for the sponsored packet switched data service in a wireless network – Figs. 1 and 2/102). The wireless network has the access to Internet, PSTN and PLMN.

The billing system and call record related to call charge information is located on the wireless system (Fig. 1/34, 35a, 35b and 42).

The request may be from a user (paragraph 0020).

The sponsor may be packet switched data service provider, and operator of the network, and/or a third party packet switched data service (paragraph 0007).

A wireless network is capable of carrying packet switched data so that one or more packet switched data services on the network are SPONSORED BY ANOTHER for a user. The sponsor can be the provider of the packet switched data services, the operator of the network, third parties or combination thereof (paragraphs 0023 - 0025).

Here, if the packet switched data service provider is the SPONSOR, the call set-up request will be routed to a network node of the mobile radio network. The push operation is one in which the sponsor initiates activity (paragraph 0045).

It would have been obvious to one of ordinary skill in the art, at the time of invention, to modify calling party paid wireless telephone service, of Burns, wherein, the determining the sponsor of the call is performed on mobile switching center 22 (Fig. 1/22), would have incorporated the billing system and call gateway (Hamilton, Fig. 1/34, 35a, 35b and 42) for determining a sponsor for the requested service in accordance with stored policies, determining a session billing in accordance with the stored policies, establishing a session between the user and the sponsor, and billing the sponsor on completion of the session



(Hamilton, paragraph 0004) along with determining the calling party agrees to pay for the airtime charges, the processor signals a wireless switch with the telephone number of the wireless telephone to which the call is to be completed, as well as with the dialed number. The dialed telephone number serves as an indication that the wireless switch is to inhibit billing the called party for airtime charges (Burns, column 2, lines 5 – 11), before establishing the link to the called party.

**Regarding claim 2**, which claims, “a link node connecting the Internet to the mobile radio network is used as a network node”, Hamilton teaches, the network receives request 102 for the sponsored packet switched data service in a wireless network – Figs. 1 and 2/102). The wireless network has the access to Internet, PSTN and PLMN, as in claim 1 above. Here, the node connecting internet to GGSN can be used as a claimed network node.

The billing system and call record related to call charge information is located on the wireless system (Fig. 1/34, 35a, 35b and 42).

The request may be from a user (paragraph 0020).

The sponsor may be packet switched data service provider, and operator of the network, and/or a third party packet switched data service (paragraph 0007).

A wireless network is capable of carrying packet switched data so that one or more packet switched data services on the network are SPONSORED BY ANOTHER for a user. The sponsor can be the provider of the packet switched

data services, the operator of the network, third parties or combination thereof (paragraphs 0023 - 0025).

Here, if the packet switched data service provider is the SPONSOR, the call set-up request will be routed to a network node of the mobile radio network. The push operation is one in which the sponsor initiates activity (paragraph 0045).

**Regarding claim 3**, which claims, "an element of a data packet control system that controls the establishment of the link is used as a network node", Hamilton teaches, the network receives request 102 for the sponsored packet switched data service in a wireless network – Figs. 1 and 2/102). The wireless network has the access to Internet, PSTN and PLMN, as in claim 1 above. Here, the packet switched data service is being used as the claimed network node (Hamilton, Figs. 1 and 2/202, along with, claim 31).

The billing system and call record related to call charge information is located on the wireless system (Fig. 1/34, 35a, 35b and 42).

The request may be from a user (paragraph 0020).

The sponsor may be packet switched data service provider, and operator of the network, and/or a third party packet switched data service (paragraph 0007).

A wireless network is capable of carrying packet switched data so that one or more packet switched data services on the network are SPONSORED BY ANOTHER for a user. The sponsor can be the provider of the packet switched

data services, the operator of the network, third parties or combination thereof (paragraphs 0023 - 0025).

Here, if the packet switched data service provider is the SPONSOR, the call set-up request will be routed to a network node of the mobile radio network. The push operation is one in which the sponsor initiates activity (paragraph 0045).

It would have been obvious to one of ordinary skill in the art, at the time of invention, to modify calling party paid wireless telephone service, of Burns, wherein, the determining the sponsor of the call is performed on mobile switching center 22 (Fig. 1/22), would have incorporated the billing system and call gateway (Hamilton, Fig. 1/34, 35a, 35b and 42) for determining a sponsor for the requested service in accordance with stored policies, determining a session billing in accordance with the stored policies, establishing a session between the user and the sponsor, and billing the sponsor on completion of the session (Hamilton, paragraph 0004), information about the use of data service may be gathered, so that the provider may charge expenses like its marketing and advertising accounts (Hamilton, paragraph 50).

**Regarding claim 6**, which claims, “a network node of the mobile radio network is used as a call charge computer”, Hamilton teaches, the network receives request 102 for the sponsored packet switched data service in a wireless network – Figs. 1 and 2/102). The wireless network has the access to Internet, PSTN and PLMN.

The billing system and call record related to call charge information is located on the wireless system (Fig. 1/34, 35a, 35b and 42), as in claim 1 above.

**Regarding claim 8**, which claims, “the response message information is sent to the network node stating that the charges that are incurred in relation to the communications link are being borne at the first communications terminal end”, Burns discloses, service processor 28 includes a database 36, service logic 38 for processing calls and announcement facilities 39 for causing announcements to be played. Database 36 stores records as shown in Fig. 3 which include information about services provisioned for the customer, like if the customer is subscribed to a service feature “calling party pays airtime – CPPA feature. The service logic 38 represents the conventional processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 (column 3, lines 16 – 36). Here, once the check is performed for calling party is paying for the airtime charges also, originating IXC switch 16 provides data to a billing system 30 for billing the calling party for charges associated with the called party’s use of mobile switching center 22. Billing system 30 is a conventional billing system which generates standard billing records (Fig. 1, column 2, lines 42 – 56), as in claim 1 above.

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Further claimed feature, "call charge data relating to the charges are recorded in the call charge computer", Billing system 30 is a conventional billing system which generates standard billing records (Fig. 1, column 2, lines 42 – 56), as in claim 1 above.

Further claimed feature, "a charge payment is effected by an operator of the communications terminal to an operator of the mobile network", Burns discloses, if the caller accepts the charges for airtime, service processor 28 instructs switch 16 to record billing information to be used by billing system 30 to bill the caller at telephone station 10 for the airtime charges that otherwise would have been assessed to the wireless customer at telephone station 12. Service processor 28 signals switch 16 to which number the call needs to be completed – MIN of the mobile, and also signals mobile switching center 22 to inhibit switching center 22 from billing airtime for the call (Fig. 1, and column 4, lines 14 – 48).

**Regarding claim 12**, which claims, "the response message information stating that proportion of the charges that are incurred in relation to the communications link are being borne at the first communications terminal", Burns discloses, service processor 28 includes a database 36, service logic 38 for processing calls and announcement facilities 39 for causing announcements to be played. Database 36 stores records as shown in Fig. 3 which include information about services provisioned for the customer, like if the customer is subscribed to a

service feature “calling party pays airtime – CPPA feature. The service logic 38 represents the conventional processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 (column 3, lines 16 – 36).

Here, once the check is performed for calling party is paying for the airtime charges also, originating IXC switch 16 provides data to a billing system 30 for billing the calling party for charges associated with the called party’s use of mobile switching center 22. Billing system 30 is a conventional billing system which generates standard billing records (Fig. 1, column 2, lines 42 – 56), as in claim 1 above.

Further claimed feature, “call charge data relating to the proportion of the charges are recorded in the call charge computer”, Burns discloses, database 36 stores records as shown in Fig. 3 which include information about services provisioned for the customer, like if the customer is subscribed to a service feature “calling party pays airtime – CPPA feature. The service logic 38 represents the conventional processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 (column 3, lines 16 – 36).

Here, once the check is performed for calling party is paying for the airtime charges also, originating IXC switch 16 provides data to a billing system 30 for billing the calling party for charges associated with the called party’s use of

mobile switching center 22. Billing system 30 is a conventional billing system which generates standard billing records (Fig. 1, column 2, lines 42 – 56), as in claim 1 above.

Further claimed feature, “a charge payment to an operator of the mobile radio network is effected by an operator of the communications terminal through the call charge computer”, Burns discloses, database 36 stores records as shown in Fig. 3 which include information about services provisioned for the customer, like if the customer is subscribed to a service feature “calling party pays airtime – CPPA feature. The service logic 38 represents the conventional processing equipment and software needed to store, retrieve and process records in database 36 and to communicate with switch 32 and signaling network 20 (column 3, lines 16 – 36).

Here, once the check is performed for calling party is paying for the airtime charges also, originating IXC switch 16 provides data to a billing system 30 for billing the calling party for charges associated with the called party’s use of mobile switching center 22. Billing system 30 is a conventional billing system which generates standard billing records (Fig. 1, column 2, lines 42 – 56), as in claim 1 above.

**Regarding claim 14**, which claims, “during the call charge payment that has been effected, the call charges are divided between the operator of the call

charge computer and the operator of the mobile radio network”, Burns discloses, it the caller accepts the charges for airtime, service processor 28 instructs switch 16 to record billing information to be used by billing system 30 to bill the caller at telephone station 10 for the airtime charges that otherwise would have been assessed to the wireless customer at telephone station 12. Service processor 28 signals switch 16 to which number the call needs to be completed – MIN of the mobile, and also signals mobile switching center 22 to inhibit switching center 22 from billing airtime for the call (Fig. 1, and column 4, lines 14 – 48), as in claim 1 above. Here, Burns clearly teaches that the wireless mobile network charges are collected by the calling party, and the mobile subscriber is not being charges, the wireless operator is sharing the revenue generated from the calling party.

**Regarding claim 15**, which claims, “before the response message is transmitted by the call charge computer, the transmission to the first communications terminal of an information message relating to the call charges is effected”, Burns discloses, switch 16 may play an announcement such as: your call has been placed to a wireless, If you wish to complete this all, you will be charged an additional 45 cents per minute to cover the cost of the airtime charges associated with the call. If you do not wish to pay the airtime surcharge, please hang up now (column 4, lines 8 – 13). Here, the switch informs the first communications terminal of an information message relating to the call charges is effected.



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Further claimed feature, "the receipt of the information message is confirmed issued by the first communications terminal", and "the response message is transmitted to the network node by the call charge computer", Burns discloses, if the caller accepts the charges for airtime, service processor 28 instructs switch 16 to record billing information to be used by billing system 30 to bill the caller at telephone station 10 (column 4, lines 17 – 28).

**Regarding claim 16**, which claims, "a proceed-to-dial relating to the call charges is transmitted to the first communications terminal together with the information message", Burns discloses, switch 16 may play an announcement such as: your call has been placed to a wireless, If you wish to complete this all, you will be charged an additional 45 cents per minute to cover the cost of the airtime charges associated with the call. If you do not wish to pay the airtime surcharge, please hang up now (column 4, lines 8 – 13), as in claim 15 above. Here, once the calling party accepts the charges, the call is being connected to the called party, is the claimed proceed-to-dial relating the call charges that is accepted to the calling party.

Further claimed feature, "a selection is made by the first communications terminal", Burns discloses, if the caller accepts the charges for airtime, service processor 28 instructs switch 16 to record billing information to be used by billing system 30 to bill the caller at telephone station 10 for the airtime charges that

otherwise would have been assessed to the wireless customer at telephone station 12. Service processor 28 signals switch 16 to which number the call needs to be completed – MIN of the mobile, and also signals mobile switching center 22 to inhibit switching center 22 from billing airtime for the call (Fig. 1, and column 4, lines 14 – 48), as in claim 1 above.

Burns also discloses, if the caller refuses to accept the charges for airtime, the switch 16 tears down the call in a conventional manner (column 4, lines 14 - 17), as in claim 1 above.

Claims 4, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns, US Patent: 5,557,664 Sep. 17, 1996 and in view of Hamilton, US PGPub: US 2002/0177431 A1 Nov. 28, 2002, and further in view of Doshi, US Patent 6144,667 Nov. 7, 2000.

**Regarding claim 4,** both Burns and Hamilton discloses all the claimed features,

but, are silent on, “the first communications terminal is linked to the Internet via an Internet access network”.

Doshi teaches, network based method and apparatus for initiating and completing a telephone call via the internet (Fig. 1/10). Here, the subscriber is

initiating an internet call which is connected to the claimed internet via an internet access network.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to modify calling party paid wireless telephone service, of Burns, wherein, the determining the sponsor of the call is performed on mobile switching center 22 (Fig. 1/22), would have incorporated the billing system and call gateway (Hamilton, Fig. 1/34, 35a, 35b and 42) for determining a sponsor for the requested service in accordance with stored policies, determining a session billing in accordance with the stored policies, establishing a session between the user and the sponsor, and billing the sponsor on completion of the session (Hamilton, paragraph 0004), the internet initiated call for saving the user time and the inefficiency of having to disconnect from the internet and reconnect via the public switched telecommunication network, while data received via the internet is displayed on user's screen regarding the desired information, product or service (Doshi, column 1, line 66 through column 2, line 9).

**Regarding claim 5**, both Burns and Hamilton discloses all the claimed features,

but, are silent on, "a network computer of the internet access network is used as a call charge computer".

Doshi teaches, the voice/data gateway 120 has provisioning and maintenance interface 150, which may be distributed or centralized as is known in the art and couple via a wide area network or local area network as necessary (Figs. 1A, 1B and 1C, column 3, lines 1 – 4, and column 7, lines 7 – 33). Here, once the user presubscribed with the service, the service provider's computer will keep records of the call charge, which is the claimed call charge computer.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to modify calling party paid wireless telephone service, of Burns, wherein, the determining the sponsor of the call is performed on mobile switching center 22 (Fig. 1/22), would have incorporated the billing system and call gateway (Hamilton, Fig. 1/34, 35a, 35b and 42) for determining a sponsor for the requested service in accordance with stored policies, determining a session billing in accordance with the stored policies, establishing a session between the user and the sponsor, and billing the sponsor on completion of the session (Hamilton, paragraph 0004), network can handle higher call volume, greater security, permits service enhancements, integration with other network features to new and different combinations of service offerings and packages, higher reliability and centralized operation administration, maintenance and provisioning (Doshi, column 2, lines 51 – 58).

**Regarding claim 7**, which claims, "an internet computer of the internet is used as a call charge computer", Doshi teaches, the voice/data gateway 120 has provisioning and maintenance interface 150, which may be distributed or centralized as is known in the art and couple via a wide area network or local area network as necessary (Figs. 1A, 1B and 1C, column 3, lines 1 – 4, and column 7, lines 7 – 33). Here, once the user presubscribed with the service, the service provider's computer will keep records of the call charge, which is the claimed call charge computer, as in claim 6 above. Here, as the cost of service provided has to be paid by the sponsor, or the mobile holder, the internet computer of the internet can be user as a claimed call charge computer.

Claims 9 - 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns, US Patent: 5,557,664 Sep. 17, 1996 and in view of Hamilton, US PGPub: US 2002/0177431 A1 Nov. 28, 2002, and further in view of Smith, US PatentL 5,995,822 Nov. 22, 1999.

**Regarding claim 9**, both Burns and Hamilton discloses all the claimed features, but, are silent on, "the response message stating that the charges incurred with respect to the communications link are being borne at the first communications terminal end up to a **pre-selected maximum level**".

Smith teaches, handling parallel transactions on telephone pre-paid accounts, the system calculates the maximum duration of the time that the subscriber had selected for (Fig. 2A/110 and 111), the system calculates the new account information for all the parallel transition that might have occurred during the call is going on (Fig. 3), and once the time is reached for the maximum limit, it plays an announcement (Fig. 2A/112) and disconnect the call. The account value is replenished while the other processes are ongoing, an amount "r" can be added to the account (Fig. 3/210, 212). The new value in the account can be depending on the timing of the replenishment transaction (column 8, lines 17 – 24).

It would have been obvious to one of ordinary skill in the art, at the time of invention, to modify calling party paid wireless telephone service, of Burns, wherein, the determining the sponsor of the call is performed on mobile switching center 22 (Fig. 1/22), would have incorporated the billing system and call gateway (Hamilton, Fig. 1/34, 35a, 35b and 42) for determining a sponsor for the requested service in accordance with stored policies, determining a session billing in accordance with the stored policies, establishing a session between the user and the sponsor, and billing the sponsor on completion of the session (Hamilton, paragraph 0004), and having the call disconnected at the pre-selected maximum time allowed, reduces the risk that the subscribers will run up charges for ore calls than their account will cover (Smith, column 2, lines 10 – 12), and to keep track of the amount available for the subscriber even while the call is going

on, and the payment is made to an external system (Smith, column 3, lines 25 - 31).

**Regarding claim 10**, both Burns and Hamilton discloses all the claimed features,

but, are silent on, "the communications link is terminated if a charge level recorded with the call charge data reaches the maximum level".

Smith teaches, the claimed feature, as claim 9 above.

**Regarding claim 11**, both Burns and Hamilton discloses all the claimed features,

but, are silent on, "once the charge level recorded reaches the maximum level, an additional charge payment is effected and henceforth a fresh recording of the call charge data, starting at the zero charge level is effected".

Smith teaches, the claimed feature, as claim 9 above.

**Regarding claim 13**, both Burns and Hamilton discloses all the claimed feature,

but, are silent on, "the call charge data are recorded in a memory of the mobile radio network to check charge payment procedures the call charge payment that has been effected by comparing the call charge data recorded in the call charge computer with the further call charge data recorded in the memory of the mobile radio network".

Smith teaches, the method of comparing the current charge value, and updates parallel transitions that might have occurred while the call is going on (Fig. 3), as in claim 9 above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Hanson teaches, prepay telecommunication system, including accepting customer prepayment and immediately updating the customer database. The system checks for the maximum allowable call duration in response to the customer account balance, and the call is disconnected by reaching the maximum allowable call duration.  
US Patent: 6,058,300, May 02, 2000.
2. Gonthier teaches, prepaid access to internet protocol – IP networks, an access server requests the prepaid server to authenticates the user terminal, and if accepted, responds with a message informing the access server of how much the terminal can utilize network resources before re-authentication is necessary.  
US PGPub: US 2002/0116338 A1, Aug. 22, 2002.
3. Lazaridis teaches, system for pushing information to a mobile device. The proxy content server stores information received from the information source, and automatically transmits information from a selected channel over the wireless network to the mobile device.  
US PGPub: US 2003/0026231 A1, Feb. 6, 2003.



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4. Coppage teaches, providing prepaid communications between the first client device and second device for wireless communication. The network server checks a prepaid status for the first client, determining if the first client device is authorized to make the prepaid call, and if so, establishing the voice communication session from the first client device to the second client device.  
US Patent: US 6,741,687 B1, May 25, 2004.
5. Cobo teaches, the system and method of providing a prepaid subscriber service to a mobile subscriber in an integrated wireless telecommunications network having a circuit-switched portion and a General Packet Radio Service – GPRS packet switched portion.  
US Patent: US 6,496,690 B1, Dec. 17, 2002.
6. Martin teaches, method of prepaying for consumption of telephone calls. The prepayment server authenticates the user for the service, can also accepts the payment from the bank server that used to update the user's account balance.  
US Patent: 5,909,485, Jun. 1, 1999.
7. Hillis teaches, dynamic pricing method for communication systems. The system determines the locations of Individual Subscribers Units – ISUs and the current loading there between and calculates a calling rate based on the current loading. This calling rate is sent to at least of the ISUs whose operator can choose to connect or not connect the call between the ISUs based on the current realtime variable rate.  
US Patent: 5,303,297, Apr. 12, 1994.
8. Ung teaches, prepaid/post paid automatic change of payment option. A prepaid/postpaid reconfiguration logic module in a Service Control Point – SCP of a wireless network allows a subscriber to a prepaid wireless service to change payment options between prepaid and postpaid without requiring assistance from a customer care representative.  
US Patent: US 6,785,534 B2, Aug. 31, 2004.
9. Malik teaches, system and method for pre-paid and pay-per-use internet services. The revenue is shared between the telephone service provider and the Internet Service Provider for the services.  
US PGPub: US 2002/0041663 A1, Apr. 11, 2002.

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**Contact Information**

Any inquiry concerning this communication from the examiner should be directed to Nimesh Patel at (571) 270-1228, normally reached on Mon-Thur. 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Feild, Joseph can be reached at (571) 272-4090.

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